

Appl. No. 10/734,928  
Amdt. Dated 03/02/2005  
Reply to Office Action of 02/04/2005

#### REMARKS

This is in response to the Office Action mailed 02/04/2005. In the Office Action, claims 23-54 were restricted under 35 USC 121.

Reconsideration of the restriction requirement in view of the amendments and remarks made herein is respectfully requested.

Claims 23-54 were previously pending. Claims 43 and 47 have been amended by this response. Claims 1-22 were previously cancelled without prejudice. Claim 48 has been cancelled without prejudice. No new claim has been added. Accordingly, claims 23-47 and 49-54 remain pending in this application. Of those pending, claims 23, 29, 33, and 47 are independent claims.

Applicant respectfully submits that no new matter has been added by this response.

#### I. RESTRICTION REQUIREMENT

On page 2 of the Office Action, claims 23-54 were restricted into two species of inventions under 35 USC 121 as follows:

Species I) Claims 23-46: forming mono-crystalline portion over the mono-crystalline portion of the substrate and a difference in thickness layers;

Species II) Claims 47-54: forming poly-crystalline portion over the oxide portion of the substrate and with no thicknesses difference in the base layers specified.

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Applicant provisionally elects to go forward with the examination of claims 23-46 associated with species I.

Applicant has amended independent claim 47 so that claims 47-54 also read on "forming mono-crystalline portion over the mono-crystalline portion of the substrate and a difference in thickness layers" of Species I.

Independent claim 47 recites "a mono-crystalline portion over the mono-crystalline portion of the substrate". [Claim 47, lines 6-8].

The limitation of dependent claim 48 has been added into independent claim 47 in order to recite an intrinsic base. Thus, dependent claim 48 has been cancelled without prejudice.

Independent claim 47 has been further amended to recite "the raised extrinsic base is thicker than the intrinsic base" as evidence that a difference in thickness of layers exist between the raised extrinsic base and the intrinsic base. [Claim 47, lines 17-28].

Claims 49-54 depend directly or indirectly from independent claim 47.

Thus, claims 47 as amended with dependent claims 49-54 now read on Species I: "forming mono-crystalline portion over the mono-crystalline portion of the substrate and a difference in thickness layers"

Applicant respectfully request reconsideration of the restriction requirement in that claim 47 as amended and claims 49-54 be included as a part of Species I and that claims 23-47 and 49-54 be examined together.

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II) OTHER CLAIM AMENDMENTS

Applicant has also amended claim 43.

Claim 43 has been amended to correct a typographical error in its dependency. Claim 43 has been amended so that it is dependent from claim 42 instead of claim 40.

This amendment to claim 43 was made to correct a typographical error unrelated to reasons of patentability.

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### CONCLUSION

Reconsideration of the restriction requirement is respectfully requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining.

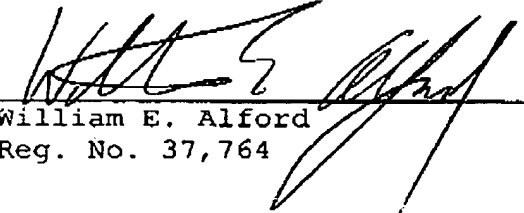
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.

Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Dated: March 2, 2005

  
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### **CERTIFICATE OF FACSIMILE TRANSMISSION**

*I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office under 37 CFR §1.8 on: March 2, 2005 to Examiner William Brewster at (703) 872-9306.*

  
Pat Sullivan

3/2/05

Date